

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/770,931

Paul Tinwell

Spark Plug Configuration Having a Metal Noble Tip

Filed By EFS

Filed: February 3, 2004

Group Art Unit: 2879

Examiner: Matthew P. Hodges

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

ELECTION

In response to the Election/Restriction requirement mailed March 22, 2006, Applicants elect the Examiner's Group D for continued prosecution; that is, claims 30-43 for which the independent claims are directed to dimensions A, E, I, and H of the disclosed embodiment.

REMARKS

This election is being filed in response to the Office Action mailed March 22, 2006. In that Office Action, the Examiner required election on the basis that there are four patentably distinct species being claimed. Applicants note that the subject application includes only a single embodiment in the drawings and it is respectfully submitted that an election of species is not proper. As stated in MPEP 806.04(e):

The scope of a claim may be limited to a single disclosed embodiment (i.e., a single species, and thus be designated a *specific species claim*), or a claim may include two or more of the disclosed embodiments within the breadth and scope of the claim (and thus be designated a *generic or genus claim*).

Species are always the specifically different embodiments.

(Emphasis in original.)

The groupings noted by the Examiner are not “specifically different embodiments,” but rather, if patentably distinct, they instead comprise independent inventions for which a restriction of claims would be appropriate. Accordingly, Applicants elect claims 30-43 (the Examiner’s group D) for continued prosecution and this election is with traverse in the event that the Examiner maintains this as an election of species, but is without traverse in the event it is considered a restriction requirement. If there are any questions about this, please contact the undersigned by telephone.

Applicants believe that no fee is due; however, the Commissioner is hereby authorized to charge any deficiencies associated with this communication to Deposit Account No. 50-0852.

Respectfully submitted,

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/James D. Stevens/

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JDS/dim
Encl.